

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 689

Introduced by Senator Speier
(Principal coauthor: Senator Denham)
(Principal coauthor: Assembly Member Lieber)

February 22, 2005

An act to amend Section 12811 of, *and to add Section 4150.3 to*, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 689, as amended, Speier. Vehicles: organ and tissue donors: registry.

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card.

Existing law requires an application for the original or renewal registration of a vehicle to be made by the owner to the department upon appropriate forms issued by the department.

This bill would require the department to collect donor designation information on all applications for an original or renewal drivers' license or identification card, *and on all applications for original or renewal vehicle registration.*

The bill would require the department to electronically transmit donor designation information on a monthly basis to the California Organ and Tissue Donation Registrar.

The bill would require the department to print the word “DONOR” or another appropriate designation on the face of a driver’s license or identification card issued after January 1, 2006, *to certain persons registered as donors.*

The bill would authorize a person who applies for an original or renewal driver’s license or identification card, *or for an original or renewal vehicle registration,* to designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ *and tissue* donation. The bill would require this contribution to be collected by the department, and treated as a voluntary contribution to the California Organ and Tissue Donor Registry and not as a fee for issuance of a driver’s license or identification card, *or for the issuance of a vehicle registration.*

The bill would prohibit the department from using more than an unspecified percentage of the donations collected under these provisions to cover certain of its actual administrative costs and would require the department to transmit the remaining funds to the registrar for support of the registry.

The bill would require the departments’ application forms for issuance of original and renewal driver’s licenses and identification cards *and of original and renewal vehicle registrations* to include information directing persons who desire to change their donor status to the California Organ and Tissue Donor Registry’s Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4150.3 is added to the Vehicle Code, to
- 2 read:
- 3 4150.3. (a) Upon issuance of an original or renewal vehicle
- 4 registration, the department shall provide information on organ
- 5 and tissue donation, including a standardized form to be filled
- 6 out by an individual who desires to enroll in the California
- 7 Organ and Tissue Donor Registry pursuant to subdivision (a) of
- 8 Section 7152.7 of the Health and Safety Code.
- 9 (b) The department shall collect donor designation
- 10 information on all applications for issuance of an original or
- 11 renewal vehicle registration.

1 (c) The department shall electronically transmit donor
2 designation information collected under this section to the
3 California Organ and Tissue Donation Registrar on a monthly
4 basis.

5 (d) (A) A person who applies for issuance of an original or
6 renewal vehicle registration may designate a voluntary
7 contribution of two dollars (\$2) for the purpose of promoting and
8 supporting organ and tissue donation. This contribution shall be
9 collected by the department, and treated as a voluntary
10 contribution to the California Organ and Tissue Donor Registry
11 and not as a fee for the issuance of vehicle registration.

12 (e) The department may use not more than ____ percent of the
13 donations collected under this section to cover its actual
14 administrative costs incurred under subdivisions (a) to (c),
15 inclusive. The department shall transmit all revenue derived
16 under this section and remaining after the department's
17 deduction for administrative costs to the registrar for support of
18 the registry.

19 (f) The department's application forms for the issuance of
20 original and renewal vehicle registration shall include
21 information directing persons who desire to change their donor
22 status to the California Organ and Tissue Donor Registry's
23 website.

24 (g) The registry enrollment form shall be simple in design and
25 shall be produced by the department in cooperation with the
26 California Organ and Tissue Donor Registrar and shall require
27 all of the following information to be supplied by an enrollee:

28 (1) Date of birth, sex, full name, and other information
29 deemed necessary to provide a positive identification of an
30 individual.

31 (2) Consent for organs or tissues to be donated for transplant
32 after death.

33 (3) Any limitation of the donation to specific organs or tissues.

34 (h) The registry enrollment form shall also include both of the
35 following:

36 (1) A description of the process for having a name removed
37 from the registry, and the process for donating money for the
38 benefit of the registry.

1 (2) *A statement that the name of any person who enrolls in the*
2 *registry pursuant to this section shall be made available to*
3 *federally recognized donor organizations.*

4 (i) *The registry enrollment form shall be posted on the Web*
5 *sites for the department and the California Health and Human*
6 *Services Agency.*

7 (j) *The registry enrollment form shall constitute a legal*
8 *document under the Uniform Anatomical Gift Act (Chapter 3.5*
9 *(commencing with Section 7150) of Part 1 of Division 7 of the*
10 *Health and Safety Code) and shall remain binding after the*
11 *donor's death despite any express desires of next of kin opposed*
12 *to the donation.*

13 (k) *The registrar shall ensure that all additions and deletions*
14 *to the registry shall occur within 30 days of receipt.*

15 (l) *Information obtained by the registrar for the purposes of*
16 *this subdivision shall be used for these purposes only and shall*
17 *not be disseminated further by the registrar.*

18 (m) *A public entity or employee shall not be liable for any*
19 *loss, detriment, or injury resulting directly or indirectly or*
20 *indirectly from false or inaccurate information contained in the*
21 *form provided pursuant to this section.*

22 (n) *This section does not apply to the registration of a*
23 *commercial vehicle, as defined in subdivision (b) of Section*
24 *15210, or a vehicle registration issued to a renter, as defined in*
25 *Section 508.*

26 ~~SECTION 1.~~

27 SEC. 2. Section 12811 of the Vehicle Code is amended to
28 read:

29 12811. (a) (1) (A) When the department determines that the
30 applicant is lawfully entitled to a license, it shall issue to the
31 person a driver's license as applied for. The license shall state the
32 class of license for which the licensee has qualified and shall
33 contain the distinguishing number assigned to the applicant, the
34 date of expiration, the true full name, age, and mailing address of
35 the licensee, a brief description and engraved picture or
36 photograph of the licensee for the purpose of identification, and
37 space for the signature of the licensee.

38 (B) Each license shall also contain a space for the endorsement
39 of a record of each suspension or revocation thereof.

(C) The department shall use whatever process or processes, in the issuance of engraved or colored licenses, that prohibit, as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a picture or photograph on the license without ready detection.

(2) In addition to the requirements of paragraph (1), a license issued to a person under 18 years of age shall display the words “provisional until age 18.”

(b) (1) Upon issuance of a new driver’s license or a renewal of a driver’s license or the issuance of an identification card, the department shall provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry pursuant to subdivision (a) of Section 7152.7 of the Health and Safety Code.

(2) The department shall collect donor designation information on all applications for an original or renewal driver’s license or identification card.

(3) The department shall electronically transmit donor designation information on a monthly basis to the California Organ and Tissue Donation Registrar.

(4) The department shall print the word “DONOR” or another appropriate designation on the face of a driver’s license or identification card issued after January 1, 2006, *to a person who registered as a donor on a form issued under this section.*

(5) (A) A person who applies for an original or renewal driver’s license or identification card may designate a voluntary contribution of two dollars (\$2) for the purpose of promoting and supporting organ *and tissue* donation. This contribution shall be collected by the department, and treated as a voluntary contribution to the California Organ and Tissue Donor Registry and not as a fee for the issuance of a driver’s license or identification card.

(B) The department may use not more than ___percent of the donations collected under this paragraph to cover its actual administrative costs incurred under paragraphs (2) and (3). The department shall transmit all revenue derived under this paragraph and remaining after the department’s deduction for administrative costs to the registrar for support of the registry.

(6) The department's application forms for the issuance of original and renewal driver's licenses and identification cards shall include information directing persons who desire to change their donor status to the California Organ and Tissue Donor Registry's Web site.

(7) The enrollment form shall be simple in design and shall be produced by the department in cooperation with the California Organ and Tissue Donor Registrar and shall require all of the following information to be supplied by an enrollee:

(A) Date of birth, sex, full name, and other information deemed necessary to provide a positive identification of an individual.

(B) Consent for organs or tissues to be donated for transplant after death.

(C) Any limitation of the donation to specific organs or tissues.

(8) The form shall also include both of the following:

(A) A description of the process for having a name removed from the registry, and the process for donating money for the benefit of the registry.

(B) A statement that the name of any person who enrolls in the registry pursuant to this section shall be made available to federally recognized donor organizations.

(9) The registry enrollment form shall be posted on the Web sites for the department and the California Health and Human Services Agency.

(10) The form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and shall remain binding after the donor's death despite any express desires of next of kin opposed to the donation.

(11) The registrar shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

(12) Information obtained by the registrar for the purposes of this subdivision shall be used for these purposes only and shall not be disseminated further by the registrar.

(c) A public entity or employee shall not be liable for any loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the form provided pursuant to subdivision (b).

1 (d) A contract shall not be awarded to any nongovernmental
2 entity for the processing of driver's licenses, unless the contract
3 conforms to all applicable state contracting laws and all
4 applicable procedures set forth in the State Contracting Manual.

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